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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,574	10/24/2001	Hannu Kuoksa	33047/240187	5083
826	7590	04/13/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HENDRICKSON, STUART L	
		ART UNIT		PAPER NUMBER
				1754
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	13203514 Hendrikz, m	Kyoko Group Art Unit (114)

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 2/2/02

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-12, 14, 15, 26 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-12, 14, 15, 26 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The request filed on 2/2/04 for Continued examination (RCE) based on parent Application No. 10/003574 is acceptable and a ~~RCE~~ ^{RCE} has been established. An action on the RCE follows.

Claims 1-12, 14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) It is unclear exactly what the process is; the chemical reactions should be set forth as to the exact product made. Claim 1 is confusing because it recites green liquor in the initial step, yet green liquor is not made until later.

B) In claim 10, 'a production curve' is unclear as to what it refers. It appears by virtue of the diagram, that no matter how the process is run, the same result will occur. However, this is contrary to the tone and tenor of the rest of the specification.

C) In claim 7, 'dynamic' is unclear. How does it evolve or change? According to the specification, it is the process that changes not the model.

D) The claims as a whole are unclear as to how the 'model' (computer control program?) works and how the values are calculated.

Claims 1-12, 14, 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no disclosure of how to calculate the 'coefficient' (claim 11), how to decide when the model/target is wrong. It appears in claim 1 that 'calculating', rather

than 'controlling' is meant. Claim 1 does not actually require exerting control or changing any characteristics of the process.

Claims 1-12, 14, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baines taken with Mosow.

This is the same rejection previously made, incorporated herein by reference.

Applicant's arguments filed 2/2/04 have been fully considered but they are not persuasive.

The arguments concerning the '112 rejections indicate that computer control is well known. It is suggested that a picture comparing the flow diagram of the present process showing what reagents are added and what reactions occur, to that of Baines be made, with indication as to where in the process sampling occurs and where control is exerted. Essentially, the claimed reactions are old and known and the applicant has selected a slightly different way of automating and controlling a process. However, this is deemed within the purview of the artisan in view of the teachings that any variable(s) can be monitored and control exerted according to the monitored parameter(s). Clearly, both the claims and the prior art seek to efficiently produce the product.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson
examiner Art Unit 1754